

Notice of Allowability	Application No.	Applicant(s)	
	09/312,121	ADDINGTON, TIMOTHY HALL	
	Examiner	Art Unit	
	Annan Q Shang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment/RCE filed 09/23/04.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 31 July 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. The application has been amended as follows:

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen G. Hazzah, Reg. No. 48,472 on 02/22/05.

Claim 10 has been amended as follows: In claim 10, line 3, insert after "establishing a subnet connection....an external network, "comprising the steps of:
determining bandwidth of the subnet connection;
communicating to the external network a group of IP addresses associated with
the television system;

Allowable Subject Matter

2. Claims 1-32 are allowed.
3. The following is an examiner's statement of reasons for allowance: with respect to claims 1 and 9, the instant invention is directed to method for transporting Internet Protocol (IP) data over a subscriber television system including a headend, a transmission network and plurality of Home Communication Terminals (HCT), with at least one HCT authorized for receiving the IP data; and a method of creating and

Art Unit: 2614

removing IP data communications paths with television system. The relevant prior art of records such as **Fijolek et al (6,510,162)** disclose system and method for managing channel usage in a data over cable system. **Maeshima et al (6,092,113)** disclose method for constructing a virtual private network having an assured bandwidth. **Coile et al (6,061,349)** disclose system and method for implementing multiple IP addresses on multiple ports. **Howes et al (6,324,177)** disclose method and apparatus for managing connections based on client IP address. However, neither **Fijolek, Maeshima, Coile** nor **Howes**, and any of the cited references teach or suggest, alone or in combination, the feature of “communicating to the external network a group of IP addresses associated with the server,” as recited in the instant, with respect to claims 1 and 9.

With respect to claim 10, the instant invention is directed to, a method of creating and removing IP data communications paths with television system.

However, neither **Fijolek, Maeshima, Coile** nor **Howes**, and any of the cited references teach or suggest, alone or in combination, the feature of “communicating to the external network a group of IP addresses associated with the television system,” as recited in the instant, with respect to claim 10.

With respect to claims 12 and 18, the instant invention is directed to, an application server for establishing, using, and deleting an IP data communications route within a television system between the application server and an HCT and between the application server and an external network; and a subscriber television system for communication IP data with an external network.

However, neither **Fijolek, Maeshima, Coile** nor **Howes**, and any of the cited references teach or suggest, alone or in combination, the feature of “communicating to the external network a group of IP addresses associated with the server,” as recited in the instant, with respect to claims 12 and 18.

With respect to claim 21, the instant invention is directed to, a subscriber television system for communicating IP data with an external network.

However, neither **Fijolek, Maeshima, Coile** nor **Howes**, and any of the cited references teach or suggest, alone or in combination, the feature of “establishing a subnet connection to external network and for communicating the Internet Protocol data with the external connection, the subnet connection identifying at least one Internet Protocol address that will be used between the external network and the headend,” as recited in the instant invention with respect to claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishikado et al (6,816,495) disclose connection switching apparatus, connection switching network, control system and connection switching network control method.

Gai et al (6,697,360) disclose method and apparatus for auto-configuring layer three intermediate computer network devices.

Chung et al (6,470,389) disclose hosting a network service on a cluster of servers using a single-address image.

Bender et al (6,535,918) disclose interface between standard terminal equipment unit and high speed wireless link.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



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